



Commercial Vehicle Safety Alliance

Improving uniformity in commercial motor vehicle safety and enforcement

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Docket Services
U.S. Department of Transportation
1200 New Jersey Avenue SE
Room PL-401
Washington, DC 20590-0001

RE: Docket Number: DOT-OST-2021-0140
U.S. DOT Strategic Plan

The Commercial Vehicle Safety Alliance (CVSA) respectfully submits the following comments regarding the Office of the Secretary of Transportation's request for comment on the draft U.S Department of Transportation (DOT) strategic framework, docket number DOT-OST-2021-0140.

CVSA is a nonprofit association comprised of local, state, provincial, territorial and federal commercial motor vehicle safety officials and industry representatives. The Alliance aims to achieve uniformity, compatibility and reciprocity of commercial motor vehicle inspections and enforcement by certified inspectors dedicated to driver and vehicle safety. Our mission is to improve commercial motor vehicle safety and uniformity throughout Canada, Mexico and the United States, by providing guidance and education to enforcement, industry and policy makers.

U.S. DOT seeks comments on a draft strategic framework that includes strategic goals and objectives that will be included in the administration's strategic plan for fiscal 2022-2026. As methods for improving commercial motor vehicle safety are considered, CVSA encourages the administration to focus on deploying safety technology and training, clarifying the regulatory framework, reducing exemptions from safety regulations and improving data quality.

Safety Technology and Training

To make the largest impact on safety, it is imperative that those in the safety and enforcement communities take full advantage of technological advancements that improve safety and demonstrate a net benefit to society. Efforts to encourage the deployment of safety technologies and training proven through independent research to improve commercial motor vehicle safety, either through preventing crashes or mitigating the severity of crashes, must continue.

Safety Technology Deployment

Driver behavior plays a large role in crashes. Driving fatigued, distracted or under the influence, aggressive driving, speeding, etc. all contribute to crashes – humans make mistakes. There are safety technologies available today, however, that help reduce that human factor and prevent crashes. We need to look for opportunities to leverage vehicle safety technology wherever possible, making the

vehicles safer by minimizing human error and distraction. U.S. DOT should look for ways to encourage and expedite adoption of these proven safety technologies whenever possible.

Universal Electronic Vehicle Identifier

There are more than 3 million commercial motor vehicle drivers on our roads. Contrast that with the 13,000 inspectors working to ensure the commercial motor vehicle community is operating in compliance with federal and state safety requirements. States need to be equipped with every available safety technology that helps support effective enforcement programs. State commercial motor vehicle enforcement programs improve safety by identifying unsafe motor carriers, drivers and vehicles and removing them from the roadways. Given the size of the motor carrier industry, jurisdictions do not have the resources necessary to inspect every vehicle, driver and motor carrier operating on our roadways on a regular basis. To maximize resources, jurisdictions must prioritize enforcement activities and utilize technology to continue to increase enforcement program efficiency.

Electronic identification, a technology that exists today, allows an inspector to identify a vehicle while it is in motion. This reduces the need to stop a commercial motor vehicle to review driver information and inspect the vehicle, allowing enforcement to increase the number of vehicles that are screened and utilize data to better prioritize vehicles and drivers for intervention, creating efficiencies for the enforcement community and the motor carrier industry. This technology is used on a voluntary basis and is not widely deployed. Enforcement must have a universal mechanism for electronically identifying all commercial motor vehicles at short range. This can be accomplished with minimal cost and disruption, and the safety and economic benefits will be substantial for the enforcement community, motor carrier industry and driving public.

To accomplish this, a universal vehicle identifier requirement by the National Highway Traffic Safety Administration (NHTSA) is needed so that all new commercial motor vehicles would be equipped with this technology at the time of manufacturing. CVSA has submitted a petition to NHTSA to initiate an Advance Notice of Proposed Rulemaking to begin the lengthy discussion on this critical safety issue and hopes the agency will respond swiftly.

North American Fatigue Management Program

One of the leading causes of fatal commercial motor vehicle crashes is driver fatigue. Continued promotion of participation in the North American Fatigue Management Program (NAFMP) will aide in promoting a positive safety culture and reducing fatigue related crashes and fatalities. The NAFMP is a training program developed in partnership by FMCSA, Transport Canada, fatigue specialist and scientists, and industry stakeholders as a comprehensive approach for managing fatigue. The training provides education on developing a corporate safety culture that actively combats driver fatigue, educating drivers, drivers' families, carrier executives and managers, shippers/receivers and dispatchers on fatigue management, sleep disorders screening and treatment, driver and trip scheduling practices and fatigue management technologies.

Clarifying the Regulatory Framework

Clear, enforceable rules are the cornerstone of an effective regulatory framework designed to ensure safety on our roadways. It is imperative that those subject to the Federal Motor Carrier Safety Regulations (FMCSR) understand their responsibilities and that those tasked with enforcing safety regulations can do so effectively to ensure the quality and uniformity of the more than four million roadside inspections conducted annually throughout North America. Over time, additional regulatory authority, coupled with changes to the industry and technological advancements can result in inconsistent, outdated and redundant regulatory language. Unfortunately, FMCSA has fallen behind on its core responsibility of maintaining the federal safety regulations, which is its primary method for improving commercial motor vehicle safety. As a result, we have outdated and sometimes conflicting regulations that have not kept pace with the state of the industry. While this may seem mundane, the lack of clarity and accuracy in the regulations impacts all parts of the agency's mission.

Over time, additional regulatory authority, coupled with changes to the industry and technological advancements can result in inconsistent, outdated and redundant regulatory language. Unfortunately, over the past several years regulatory activity at FMCSA has come to a near standstill, and the necessary work of maintaining and updating the regulations is suffering. High profile initiatives, such as implementation of the electronic logging device rule or the recent hours-of-service update, can consume the agency's resources, especially when those efforts are met with a high volume of exemption requests. In an effort to address the growing backlog and delays, the agency has come to rely heavily on the use of regulatory guidance to address necessary clarifications to the regulations, using guidance documents or frequently asked questions (FAQs) to correct technical errors in published rules or to clarify vague regulatory language within the safety regulations while improvements to the regulations make their way through the rulemaking process.

However, the number of full rulemakings that can make it through the agency in any given year is limited by staff and funding, and a number of higher profile rules tend to push simple technical changes back in the queue, some never to be published. As a result, a disconnect has evolved between written regulation, regulatory guidance, interpretations and FAQs. FMCSA needs to fully implement the regulatory guidance review process required by the FAST Act, which requires the agency to conduct a regular review of active guidance documents and routinely incorporate appropriate guidance into the regulations in a timely manner.

Additionally, it is essential that the underlying regulations be updated and maintained regularly to keep pace with advancements in industry and improve safety. This does not necessarily mean the creation of new regulations; only that existing regulations must be adjusted to make technical corrections and accommodate for the future of the trucking industry. In addition to the growing number of necessary technical changes to the regulations, the agency has a growing backlog of petitions that need to be considered and addressed, many of which request changes to unclear or unenforceable portions of the regulations. FMCSA must also be working to look ahead at changes to the trucking industry to ensure that the regulatory framework is keeping pace with advances in technology and changes to industry trends. An increased focus on this core responsibility of maintaining the regulations by eliminating outdated regulations, updating existing ones and establishing new ones when appropriate would help make sure the regulations are effectively doing their job of setting minimums safety standards.

Exemptions

Another challenge facing commercial motor vehicle safety is inconsistency in the regulations caused by exceptions, exemptions and waivers. The federal safety regulations help reduce or prevent truck and bus crashes, fatalities and injuries by establishing minimum credentialing and vehicle mechanical fitness requirements to ensure interstate motor carriers and drivers operate safely. The regulations are developed in consultation with enforcement, industry and subject matter experts, and are intended to establish a clear set of rules by which all motor carriers must abide. The states, in partnership with FMCSA, work to enforce those regulations consistently and correctly.

In order to become a commercial motor vehicle inspector, an individual must go through rigorous training. Once certified, an inspector must conduct a minimum number of inspections each year to maintain their certification. Inspectors must also attend annual in-service refresher training and are trained after every regulatory update or change. Significant training and continuing education ensure inspectors and roadside enforcement officials fully understand and effectively communicate the regulations they enforce.

Confusion and inconsistencies create more work for the enforcement community and have the potential to frustrate the motor carrier industry. Inconsistencies and exceptions within the regulations require more training and create more opportunities for mistakes, which in turn require additional resources to correct. We recognize there may be instances when exemptions are appropriate and do not compromise safety; however, overall, exemptions have the potential to undermine safety and complicate enforcement. Every new exemption is an opportunity for confusion and inconsistency in enforcement, diverting scarce resources from other activities and undermining the program's effectiveness.

FMCSA Data and IT Systems Improvement

In order to improve safety and reduce crashes, FMCSA needs to focus on crash and inspection data and what it can tell us about why crashes are occurring. The more we understand about why crashes are occurring, the better equipped we are to combat those factors and prevent crashes. As technology and data collection continues to advance and improve, state commercial motor vehicle safety programs continue to grow in their reliance on data.

Uniform, timely and accurate data is essential for FMCSA and the states to make decisions on how to best allocate resource to make the greatest improvements to safety. Enforcement personnel, along with state and federal agencies, use information on a motor carrier's past performance to help prioritize motor carriers for roadside inspections and compliance reviews. Performance data from the commercial motor vehicle industry is used to identify trends and problem areas, and to craft enforcement and education initiatives to target specific safety problems. Data is used to determine whether enforcement funds are being used in the most efficient, effective manner possible.

In order to effectively and efficiently perform these activities, the states and the federal government must be able to rely on the data being compiled in FMCSA's various systems being accurate and as uniform as possible, in order to make comparisons. FMCSA's data and information technology (IT) systems are antiquated, which

impacts the quality of the data available to law enforcement and industry. These issues impact the information available for policy makers at the federal and state level when making program decisions.

Congress recognized this fact and included provisions in the FAST Act having to do with improving FMCSA's information technology systems and data quality. Section 5504 of the bill directed the Comptroller General to conduct a comprehensive analysis of FMCSA's IT and data collection and management systems and to make recommendations on how to improve both the functionality of the systems and the quality of the data collection and analysis. In addition, Section 5224 directed FMCSA to implement certain hardcoding and smart logic standards within the inspection software, in order to improve the data quality coming from inspection reports. Unfortunately, making these improvements and others to FMCSA's data systems remain on the agency's 'To Do' list, leaving the agency's IT systems further and further behind. FMCSA needs to prioritize updates to the data and IT systems so that quality data can drive the tailoring of safety programs to address the most pressing safety concerns.

As the U.S. DOT considers how to best improve safety in the strategic plan for fiscal 2022-2026, inclusion of these focus areas will help improve the foundation of commercial motor vehicle safety. While new safety initiatives are important in tackling challenges with highway safety, they can't come at the expense of delivering on the administration's core responsibilities.

The Alliance works to closely monitor, evaluate and identify potentially unsafe transportation processes and procedures as well as to help facilitate and implement best practices for enhancing safety on our highways. Commercial motor vehicle safety continues to be a challenge and we need the involvement of all affected parties to help us better understand these issues and put into place practical solutions. We appreciate the agency's commitment to safety and stakeholder involvement.

If you have further questions or comments, please do not hesitate to contact me by phone at 301-830-6149 or by email at collinm@cvsa.org.

Respectfully,



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